

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MINNESOTA

RECEIVED

SEP 28 2020

CLERK, U.S. DISTRICT COURT  
ST. PAUL, MINNESOTA

CASE NUMBER: 20-CR-147 (PAM-LIB)

UNITED STATES OF AMERICA,

Respondent,

v.

Agustus Q. Light,  
Defendant.

DEFENDENTS PROSE MOTION  
TO DISMISS INDICTMENT  
FOR DEFECTS IN INDICTMENT,  
INSUFFICIENT INDICTMENT, AND  
ERROR AND OMISSIONS IN  
INDICTMENT IN VIOLATION OF  
FED. R. CRIM. PROC. 12(b)(3)(B),  
7(c)(1), and 7(c)(2) WITH  
SUPPORTING AFFIDAVIT, AND MEM-  
ORANDUM OF LAW.

I.) THAT IN FACT and at LAW, Defendant, Agustus Q. Light, prose, Respectfully Moves this Court, to state that " GROUNDS FOR DISMISSAL" "DEFECTIVE INSTRUMENT"; an indictment must set forth the essential elements of the offense charged or it is fatally defective. IF the elements are clearly set forth in the words of the statute itself, that usually is sufficient to state an offense, an indictment is sometimes sufficient where it follows the language of ; 21 U.S.C. § 841-(b)(1)(c) setting out the necessary elements to be proved by the government; that defendant "(ii) caused serious bodily injury" or "Death" caused by from the use of that Drug.

SCANNED

SEP 28 2020 CK

U.S. DISTRICT COURT ST. PAUL

- 2.) THAT IN FACT and at LAW, Simply Citing the charging statute, however does not cure the omission of an essential element of the charge because that citation does not ensure that a grand jury has considered and found all essential elements of the crime.
- 3.) THAT IN FACT and at LAW, "(ii) Serious bodily injury" or "Death" is an Material Essential Element of the charge under under 21 U.S.C. § 841 (b)(1)(C), and Should have been charged in the indictment and proved beyond a reasonable doubt.
- 4.) THAT IN FACT and at LAW, 21 U.S.C. § 841 (b)(1)(C)'s Language is clearly missing From the indictment its Key Elements are Essential to the requirements of an indictments Sufficiency. (see. EXHIBIT "A")
- 5.) THAT IN FACT and at LAW, The rest of the charges only charge only in the statutory language, which is unconstitutionally Vague, In other words the statutory language may be used in the indictment to describe the offense but it must be Accompanied with such statement of the facts and circumstances as to inform the Accused of the specific offense, Coming under the general description with which he is charged. see. Hamling v. U.S., 418 U.S. 87, 117-18, 94 S.Ct. 2887 41 Ed 2d 59 (1974).
- 6.) THAT IN FACT and at LAW, However an Indictment is insufficient if it States Conclusions rather than detailed Facts upon which the Conclusions are based. see. Hamling v. U.S., 418 U.S. 87, 117, 94 S.Ct. 2887, 2907, 41 L.Ed. 2d 590 (1974).

7.) THAT IN FACT and at LAW, For the Reasons stated in this Motion, the Indictment "Attached" Should be dismissed.

I, Agustus Q. Light, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge, information, and belief.

EXECUTED ON, September, 26<sup>th</sup>, 2020

S/ *Agustus Q. Light*  
*Agustus Q. Light*